

Remarks

1. This is in response to the Final Office Action mailed 11/14/2007. On 5/14/2008, a Response was filed along with the RCE. The May 14 Response contained claim amendments that are assumed to have been entered. The amendments contained in the Supplemental Amendment filed herein should be entered following those made on May 14.

The Remarks submitted on May 14 should be ignored, and the Remarks contained herein should be utilized by the Examiner in reconsidering the rejections in the November 14 Final Office Action.

2. Claims 38 and 42 have been amended so that they now are dependent upon claim 36. Applicant requests that these claims be re-entered and reconsidered in the instant application.

3. The informalities in claims 39, 41 and 48 have been corrected, and Applicant requests withdrawal of the objections.

4. Applicant requests reconsideration of the entitlement to the claims filed herein. Applicant originally filed German Patent Application DE 199 26 475.9 on June 10, 1999. Applicant then filed PCT application EP 00/05254 on June 7, 2000. The PCT application contained additional disclosure beyond that found in the German priority application. The English translation of the PCT application was filed with the US national entry, and a Table enclosed with this Supplemental Response indicates where in the English translation (i.e., paragraph number) the supplemental material can be found that is relevant to the claims currently under

consideration. Applicant believes that there is sufficient disclosure to support the pending claims.

5. Applicant requests reconsideration of the rejections under 35 USC 102(a) based on the Kratz article. Applicant has enclosed herein a Declaration from the inventor, Felix Kratz, indicating that he was the sole inventor of the material disclosed in the Kratz article and that the other co-authors were working under his direction. Thus the Kratz article should not be used as a prior art reference. (It should be noted that, in preparing the Declaration, the undersigned included language for a notarization of the Declaration. Upon receipt of the signed Declaration, the undersigned was advised that notarization is not required by German regulations, and, therefore, the notarization was not completed.)

6. Applicant requests reconsideration of the rejections of claims 49 and 50 under 35 USC 103(a) based on the Kratz article. The comments in paragraph 5, above, also apply here and indicate that Kratz should not be used as a prior art reference. Since claims 49 and 50 were previously cancelled, they are being introduced as claims 51 and 52, respectively.

7. Applicant requests that the Examiner telephone the undersigned upon receipt of this Supplemental Amendment to schedule a telephone interview.

In view of these amendments, it is submitted that the claims now pending
are fully supported and are entitled to allowance.

Respectfully submitted,

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